

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

THE STATE OF NORTH DAKOTA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT OF
INTERIOR, *et al.*,

Defendants.

No. 1:24-cv-124-DMT-CRH

**DEFENDANTS' NOTICE REGARDING
A TRANSFER ORDER IN A RELATED
CASE**

This notice relates to Defendants' Motion to Transfer this Case to the U.S. District Court for the District of Utah ("Motion to Transfer"), ECF No. 5. This case involves the U.S. Bureau of Land Management's Conservation and Landscape Health Final Rule, 89 Fed. Reg. 40,308 (May 9, 2024) (the "Rule" or "Public Lands Rule"). Defendants' brief in support of the Motion to Transfer informed the Court that there were, at the time, three cases challenging the Public Lands Rule: the first was filed in the District of Utah, the second was filed in this District, and the third was filed in the District of Wyoming. *See* Defs.' Mem. in Supp. of Mot. to Transfer at 3 & n.1, ECF No. 5-1.¹ Defendants informed the Court that they intended to also move to transfer the District of Wyoming case to the District of Utah so that all three cases could be heard together in front of one court. *See* Defs.' Reply in Supp. of Mot. to Transfer at 4, ECF No. 7. On September 10, 2024, Defendants filed a notice informing the Court that they filed a motion to transfer in the Wyoming case and that the plaintiffs in that case consented to transfer. *See* Defs.' Notice Regarding Developments in a Related Case, ECF No. 15.

¹ The State of Alaska has since filed a fourth case in the District of Alaska. *See* Plaintiffs' Notice of Related Case, ECF No. 10.

Subsequently, on September 10, 2024, the Wyoming court granted the motion to transfer. *See* Order Granting Defs.’ Unopposed Mot. to Transfer, *Am. Farm Bureau Fed’n v. U.S. Dept. of the Interior*, No. 1:24-cv-136-ABJ (Sept. 10, 2024), ECF No. 19, attached as Ex. 1. A docket for the case has been established in the District of Utah. *See* Case Transfer Docket Entry, *Am. Farm Bureau Fed’n v. U.S. Dept. of the Interior*, No. 2:24-cv-665-RJS (Sept. 10, 2024), ECF No. 20. The case is currently assigned to Judge Robert J. Shelby, but Defendants anticipate that it will be reassigned to Judge David Barlow, who is currently handling the Utah case regarding the Public Lands Rule. *See* Compl., *Utah v. Haaland*, No. 2:24-cv-438 (June 18, 2024), ECF No. 1. The transfer of the case to the District of Utah is relevant because, as we argued in the Motion to Transfer, judicial economy would be served by having three cases challenging the Public Lands Rules heard in one court. And it is particularly significant because there is substantial overlap between the claims asserted in the recently transferred case filed by the American Farm Bureau Federation and this case—both cases allege violations of the National Environmental Policy Act, Federal Land Policy and Management Act, Congressional Review Act, and Administrative Procedure Act.

Respectfully submitted this 12th day of September 2024.

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